

City Council Introduction: **Monday**, March 18, 2002
Public Hearing: **Monday**, March 25, 2002, at **5:30** p.m.

Bill No. 02-36

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3297**, from R-4 Residential, B-2 Planned Neighborhood Business and O-3 Office Park to R-3 Residential, requested by Ridge Development Company, on property generally located between South 27th Street and South 40th Street, north of Yankee Hill Road.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 3298 (02-37), Preliminary Plat No. 00029, Pine Lake Heights South 4th Addition (02R-56) and Use Permit No. 134 (02R-57)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/02
Administrative Action: 01/09/02

RECOMMENDATION: Approval (9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. This change of zone and the associated Change of Zone No. 3297, Preliminary Plat No. 00029 and Use Permit No. 134 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the change of zone conforms to the Comprehensive Plan and Zoning Ordinance.
3. The applicant's testimony is found on p.6-7 and p.9.
4. There was no testimony in opposition.
5. On January 9, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 12, 2002

REVIEWED BY: _____

DATE: March 12, 2002

REFERENCE NUMBER: FS\CC\2002\FSCZ3297

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

This is a combined staff report for related items. This report contains a single background section for all items. However, separate sections for analysis and conditions are provided for each individual application.

DATE: December 18, 2001

****As Revised by Planning Commission, 01/09/02****

P.A.S.: **Change of Zone #3297 (R-4, B-2, and O-3 to R-3)**
Change of Zone #3298 (R-3 to R-4, B-2 and O-3)
Preliminary Plat # 00029 Pine Lake Heights South 4th Addition
Use Permit #134

PROPOSAL: **Change of Zone #3297** **Changes the zoning on 215.52 acres north of Yankee Hill Road between South 27th and South 40th Streets from R-4, B-2 and O-3 to R-3.**

Change of Zone #3298 Changes the zoning on 215.52 acres north of Yankee Hill Road between South 27th and South 40th Streets from R-3 to R-4, B-2 and O-3.

Preliminary Plat #00029 Creates 204 lots in 16 blocks with 12 outlots.

Use Permit #134 To allow a shopping center with retail/commercial, restaurants and office uses.

LAND AREA: Preliminary Plat: Approximately 215.52 acres.
Use Permit: Approximately 32.4 acres.

CONCLUSION: The change of zone and use permit conform to the Comprehensive Plan and the Zoning Ordinance.

The preliminary plat requires minor revisions to comply with design standards and be consistent with Title 26 (Land Subdivision).

RECOMMENDATION:	Change of Zone #3297:	Approval
	Change of Zone #3298:	Approval as Amended
	Preliminary Plat #00029:	Conditional Approval
	Use Permit #134:	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone #3297 (R-4, B-2 and O-3 to R-3): (See attached legal descriptions)

LOCATION: Between South 27th Street and South 40th Street, north of Yankee Hill Road.

APPLICANT: Ridge Development Company
2001 Pine Lake Road Suite 100
Lincoln, NE 68542

OWNER: Same

CONTACT: Mark Palmer, PE
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

EXISTING ZONING: R-3 Residential; R-4 Residential; B-2 Planned Neighborhood District; and O-3 Office Park.

EXISTING LAND USE: Undeveloped land used for agricultural crop production.

SURROUNDING LAND USE AND ZONING:

North:	R-3	Single-family Residential, vacant
South:	AG	Crop Production
East:	AG	Crop Production
West:	AG	Crop Production

HISTORY: ANNEX #98005 - Approved in February, 1999, the land within this preliminary plat was annexed along with approximately 450 acres of land southwest of the intersection of South 27th Street and Yankee Hill. An annexation agreement was also approved.

CZ #3105 - Approved in February, 1999, changed the zoning on this site from AG to the existing zoning pattern.

CPA #94-31 - In February, 1999, this comprehensive plan amendment approved the S1/S2 Sub-area Plan.

COMPREHENSIVE PLAN SPECIFICATIONS: This site lies inside the S1/S2 Sub-area Plan of the Comprehensive Plan approved in February, 1999, and is designated as urban

residential, with neighborhood-sized commercial centers in both the southeast and southwest corners of the site. An urban village is also designated in this area.

The land shown within the preliminary plat is also located within the Phase I area of the Anticipated Lincoln Service Limit and Phasing Plan. It states “Areas in Phase I designated for immediate development will be contiguous to existing development with some or most of the required infrastructure in place.”

UTILITIES: Water is available to the site, and the proposed public water system shown on the plat is satisfactory with minor changes. Sanitary sewer is also available to the site, and the proposed sanitary sewer system indicated is satisfactory. The waivers to sewer depth and the transfer of sewage from one sub-drainage basin to another are acceptable. The extension of water and sewer is addressed in the annexation agreement for this property.

TOPOGRAPHY: The site consists of gently rolling farmland, where the west half is bowl-shaped and slopes towards the middle of the site where wetlands exist. The east half is falling from north to south, and is drained by two swales that are piped under Yankee Hill Road and continue on to the south.

TRAFFIC ANALYSIS: South 27th Street and Yankee Hill Road are both identified as principal arterials in the Comprehensive Plan. South 40th Street is shown as a minor arterial. Paving improvements for South 40th Street and Yankee Hill Road are in the current six-year Capital Improvements Program (CIP). However, improvements to South 27th Street at this location are not in the current CIP.

The annexation agreement associated with this property stipulated the cost-share of paving improvements among property owners and the City. An off-site improvement agreement must be approved specifying what share of these future improvements must be paid for by the developer of this project based upon the impacts identified in the traffic study recently completed.

ANALYSIS:

Change of Zone #3297

3. This site was rezoned in 1999 to accommodate a specific development concept. That concept proposed to incorporate some innovative urban design techniques into the project, and the unique zoning pattern that exists reflects that concept. However, the original concept has been replaced with the current layout now being proposed.

4. This request rezones everything within the limits of the preliminary plat to R-3. Because of the unique zoning pattern that exists, this is the most efficient and straight-forward way to prepare the site for the zoning proposed with this preliminary plat.

Prepared by:

Brian Will, AICP
Planner

**CHANGE OF ZONE NO. 3297;
CHANGE OF ZONE NO. 3298;
PRELIMINARY PLAT NO. 00029,
PINE LAKE HEIGHTS SOUTH 4TH ADDITION;
and
USE PERMIT NO. 134**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

Members present: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Approval of Change of Zone No. 3297; approval of Change of Zone No. 3298, with amendment to provide an O-3 buffer between the B-2 and R-3 districts at South 40th Street and Yankee Hill Road; conditional approval of the preliminary plat; and conditional approval of the use permit.

Brian Will of Planning staff submitted proposed revisions to the conditions of approval on the preliminary plat.

Proponents

1. Kent Seacrest appeared on behalf of the applicant. What is being requested in these applications started in 1999 with a big annexation area incorporating a lot of new innovative things which have not worked. We tried to put the B-2 neighborhood center up at the mid-section and the neighborhood to the north did not want B-2 and did not want it up against the park. We tried to do the first “new urbanism” type center, and our topography was determined to be too steep to do garages in the alley. The consultants suggested that the property needed to be flatter so people would not have to carry their groceries up the stairs. We tried to do the super arterial (Yankee Hill Road) with little access to it. We were going to build a new internal arterial road network to connect the B-2 and urban center. When the city lost its enthusiasm for the super arterial, we did not want to do the internal arterial road. These applications change the previous configuration slightly.

The issue is what to do with the B-2. There is a ditch and staff has suggested that the property on one side of the ditch be O-3 so that the B-2 is buffered by O-3. The applicant seeks approval to do the whole thing B-2 with the R-4 and R-3 buffer. Today we are debating whether it is best to have B-2 to O-3 to R-4, or B-2 directly to R-4. The applicant would prefer B-2 directly into R-4 because it is a better transition. R-4 apartments have worked well up against shopping areas and the larger B-2 gives more layout potential with more open space and green space. The applicant also feels strong about the fact that B-2 has bigger setbacks. We are putting a public front yard up against the R-4 so that the B-2 setback would be 50'. O-3 would only require a 10' setback against the residential zoned land.

Seacrest also pointed out the important fact that this applicant owns all of the land around this project and they are not afraid of buffering themselves from their own B-2. In addition, B-2 requires a use permit.

Seacrest pointed out that there are 33 instances in Lincoln that have B-2 on the corner like this. 25 times, or 75% of the time, we have buffered them with an R-1, R-2 or R-3. This application proposes buffering with R-3 and R-4. So this is really nothing different. A total office buffer around B-2 has never been done. Seacrest also pointed out that the requested B-2 zoning does allow office use.

Seacrest went on to state that the applicant has spent a fortune negotiating the off-site road improvements and doing traffic studies based on B-2. The applicant is paying for the road improvements based on the B-2 zoning. To now be told to cut back to O-3 does not refund the cost of the traffic work that has been done. Seacrest urged that the bulk of the buffering of the B-2 can be done with the R-4 and R-3. The applicant is proposing an outlot giving 10 more feet on the R-3.

The second issue is the conditions on the preliminary plat. Seacrest submitted proposed revisions to the conditions of approval. He believes they have worked out all of the changes with the staff, except for Condition #1.1.3, which requires the applicant to revise the site plan so that there are no double frontage lots. Seacrest purports that this is a unique fact pattern because the old configuration of street layouts was working well. Giving up the double frontage will result in loss of 5 lots and they would end up doing more concrete, more water and more sewer. Seacrest suggested that not only does the private sector lose by getting rid of double frontage, but the public loses because they will have more streets, water and sewer to worry about. Seacrest suggested a compromise with an amendment to Condition #1.1.3 to put in a 10' outlot landscaped rather than the double frontage lots--basically a roadway perimeter.

Seacrest also requested to add language to the staff's proposed additional Condition #1.1.15: "In the event a future Yankee Hill Road intersection or related right turn lane does not meet sight distance or proper safety standards,.....", then we either relocate South 33rd Street and South 37th Street at Yankee Hill Road intersections, etc.

There was no testimony in opposition.

Staff Response

Brian Will of Planning staff stated that the largest outstanding issue is relative to the change of zone for the southeast corner. The staff is suggesting that it not go forward as proposed by the applicant largely because we do not know what use is being proposed for that particular corner. Originally, as this was proposed, the amount of B-2 that is being allowed really was to accommodate some new concepts; however, that has changed and the stance now is that the Comprehensive Plan indicates we are looking for two 20-acre neighborhood centers in this area. The amount of B-2 being shown is in excess of that. We do not see justification for this at this time without any specific proposal for that corner to be all B-2. The intent of the neighborhood center is to serve the neighbors within that vicinity and we see this application changing the character of the commercial development with all B-2.

Carlson requested to discuss the potential coordination between the R-4 and B-2. Are there opportunities to get new urbanistic or some sort of preferred design that show nice integration between the B-2 and the R-4? Would the use permit re-justify the additional B-2 zoning? Will agreed that a use permit proposal could potentially change the staff recommendation, but it is purely speculation at this point without the use permit.

Steward wondered by what order of magnitude the B-2 has increased over the Comprehensive Plan recommendation. Will stated that neighborhood centers are 20 acres, plus or minus. What is being proposed here is slightly over 50 acres for two neighborhood centers. Seacrest interjected, stating that it is a 3-acre increase from the old pattern to the new pattern. Will went on to state that the original zoning scheme was approved with an overall development concept in mind and that development concept has gone away.

Will clarified that it is only Change of Zone 3298 that affects this southeast corner. Change of Zone No. 3297 rezones all of the property within the limits of the plat to R-3. The use permit is for the southwest corner.

Schwinn asked whether B-2 allows the "big box" retail. Will stated that it would require a special permit.

With regard to the double frontage lots, Will stated that the problem is that the ordinance requires that there be justification in order for staff to make a recommendation to support the waiver to allow double frontage lots. In both cases here, the staff believes that there are some simple modifications that could do away with the double frontage lots. The staff takes the position that the situation can be and should be avoided. There are alternatives that could be easily implemented to do away with the double frontage lots. Therefore, staff does not support that waiver.

Schwinn inquired as to the difference in having the back yard on O-3 and B-2 versus the front yard. Will stated that the staff takes the position that we can assure a greater compatibility of land uses.

Hunter was curious about the transition between B-2, O-3 and R-4. What's the difference between B-2 and R-4 in a situation like at Pioneers and 70th where we have HyVee and apartments right next to it? Will agreed that there may not be any difference, but that is part of the problem. We don't know because we don't have a use permit for the southeast corner. We don't have justification without the use permit to do away with what we perceive to be the O-3 buffer between the residential and the B-2 zoning.

Hunter pointed out that there is no buffer on the development at 70th & Pioneers. Will was not familiar with the details at 70th & Pioneers but he believes there might have been a more comprehensive review of that development project when it was being considered. Ray Hill of Planning staff offered that 70th & Pioneers was all part of the comprehensive plan of that site. The developer asked for a reduction of the B-2 zoning in order to put in the apartments. It was all integrated into a total package. Here, we have no site plan to judge whether or not it should be rezoned. Hunter does not believe that having the R-4 setup right adjacent to a B-2

development is not necessarily a bad thing. Hill responded, stating that staff is not saying it is a bad thing – we do not have a site plan to know whether what they are proposing is good or bad. Carlson then noted that the original application had R-3 next to B-2, so clearly that circumstance can be created. Will concurred, “we just need to see it”.

Will then further explained the proposed amendments requested by staff with regard to the LES easements.

Will agreed with the applicant’s proposed amendments including the additional language to staff’s revised Condition #1.1.15, except that the staff does not agree with the applicant’s proposed amendment to Condition #1.1.3 regarding the double frontage lots.

Response by the Applicant

Seacrest pointed out that double frontage lots are legal, with justification. Seacrest believes the applicant has given two justifications: The loss of 5 lots, resulting in more infrastructure at the developer’s expense that the city maintains. The third justification is that reconfiguration results in a four-way intersection that is not allowed. It will also crunch the bike trail.

With regard to the zoning issue, Seacrest asked the Commission to listen carefully. The staff is saying that they do not have confidence with B-2 up against Residential, yet over 75% of the B-2’s have this. That is why there is a 50’ setback on B-2 and a use permit requirement. The other argument is that they don’t have the use permit. On first instinct that makes a lot of sense, but Seacrest intellectually rejects this thought because if he has to rely on the Comprehensive Plan to tell his neighbors he’s putting retail there, it doesn’t work. He would rather tell them what the zoning is. He wants to put the neighbors on notice that there is B-2 coming. When you balance the public and private interest, it is best to zone it. There is still a public hearing on the use permit and there are setback requirements.

Carlson indicated that he likes to see the B and the R together if the uses are integrated. He likes the idea with neighborhood commercial oriented to the neighborhood. He is hearing staff say that the original proposal had the acreage that the Comprehensive Plan called for and then some additional acreage specified because it was going to be something extraordinary. Seacrest interrupted and disagreed. He clarified that they originally brought in a whole 500 acres called Wilderness Ridge Golf Course, without a stitch of retail. This piece does have more retail, but we were doing it at the same time we brought in most of the section without any retail. Together we were balancing the Comprehensive Plan standard. Carlson again stated that he likes the idea of the B-2 next to the R-3 if it is designed to work together. Seacrest suggested that the burden will be on the developer to show by a use permit some day that it will not harm the residential neighborhood. We can’t bring the use permit forward yet because the south half is unsewerable until we open up the next basin, so this corner is going to be there for awhile in its present configuration. We will not be coming in this year with a use permit. We’ve got to get the new Comprehensive Plan showing the growth and new basin to the south first.

Public hearing was closed.

CHANGE OF ZONE NO. 3297

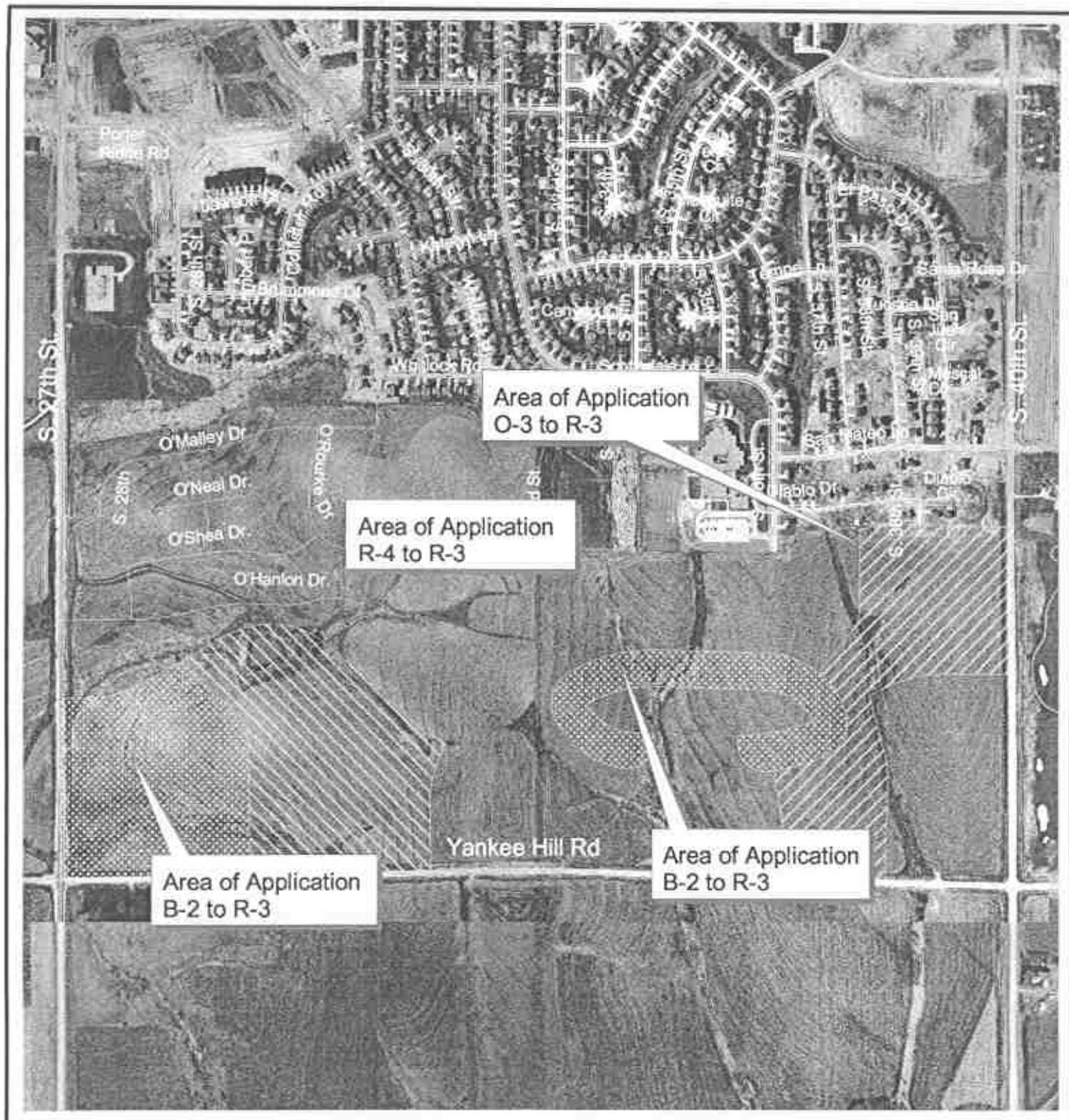
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 9, 2002

Duvall moved approval, seconded by Hunter.

Carlson commented that he accepts some of the rationale for expansion of the B-2, but wants the record to reflect that while he thinks you can create a successful integration of the B-2 and whatever R zoning next to it, you clearly have to have the R zoning in order to do that. He requested that the minutes reflect that he is hopeful that we will not end up with a strip (and this has not been suggested by the applicant at all). His support of this particular motion would be with the assumption that the R stays and that we get a creative package that shows integration between those two uses.

Motion for approval carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.



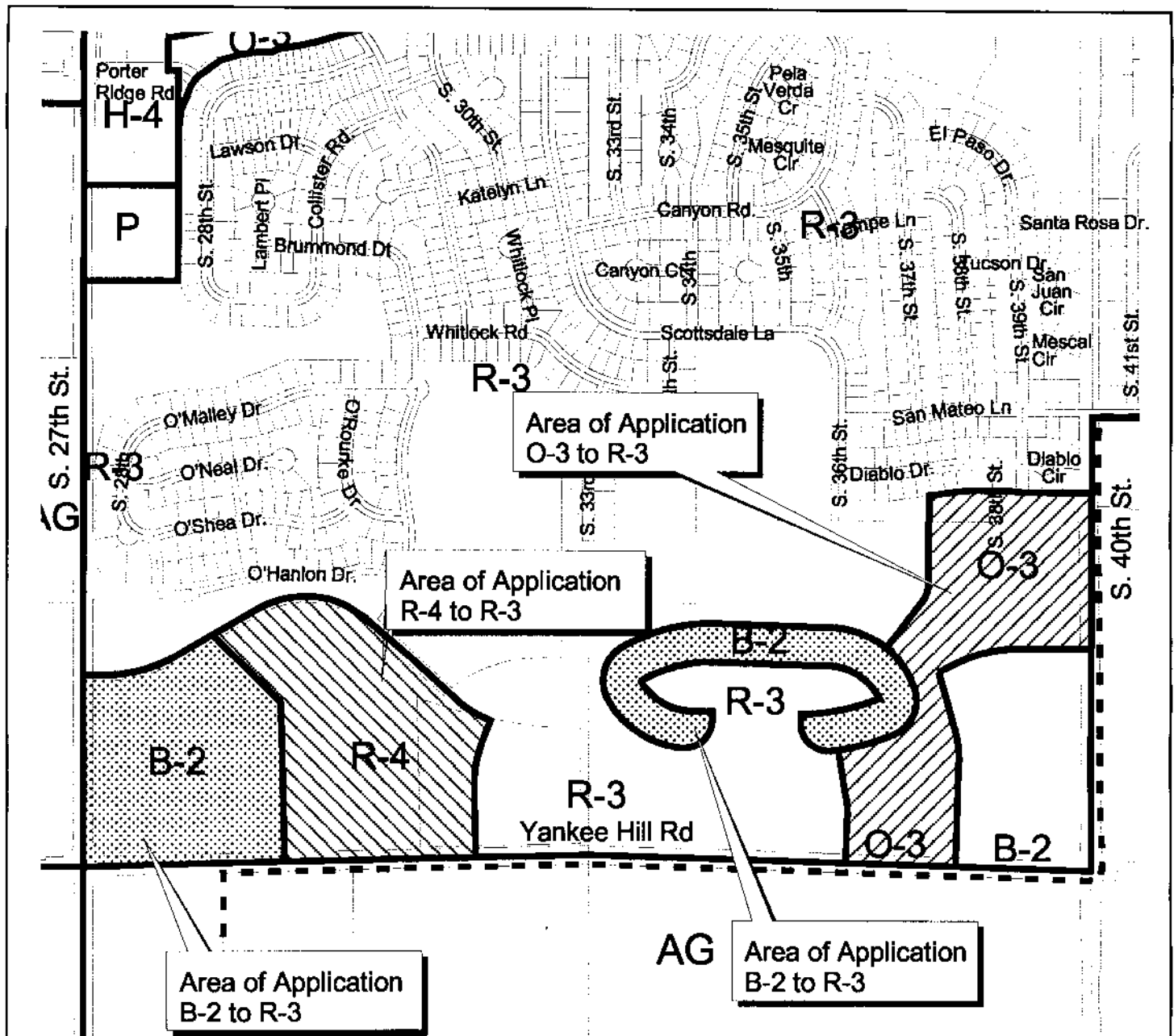
**Change of Zone #3297
Pine Lake Heights South 4th Add.
27th & Yankee Hill Rd.**



011

Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

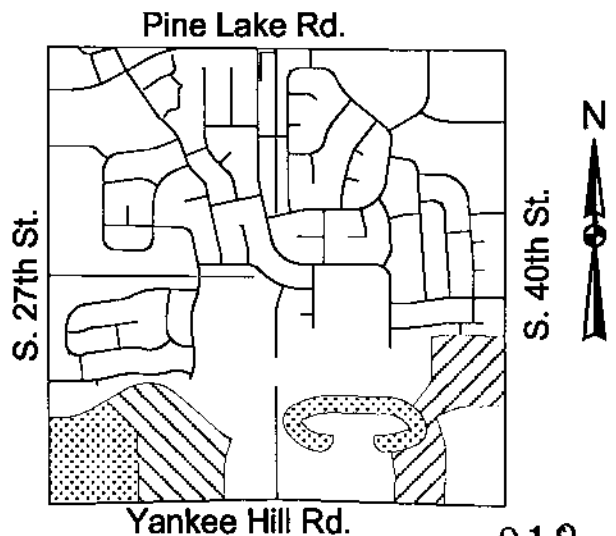
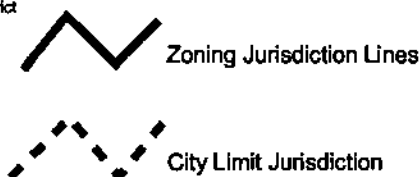


Change of Zone #3297 **Pine Lake Heights South 4th Add.** **27th & Yankee Hill Rd.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 19 T9N R7E



012

**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "O-3" TO "R-3"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 31 I.T., AND A PORTION OF OUTLOT "G" PINE LAKE HEIGHTS 11TH ADDITION, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 700.00 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 31 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 31 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 575.00 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST, A DISTANCE OF 195.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 119.42 FEET, DELTA ANGLE OF 11 DEGREES 24 MINUTES 12 SECONDS, A CHORD BEARING OF NORTH 03 DEGREES 47 MINUTES 46 SECONDS WEST, AND A CHORD LENGTH OF 119.22 FEET TO A POINT OF TANGENCY, THENCE NORTH 09 DEGREES 29 MINUTES 53 SECONDS WEST, A DISTANCE OF 238.19 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,400.00 FEET, ARC LENGTH OF 293.66 FEET, DELTA ANGLE OF 12 DEGREES 01 MINUTES 06 SECONDS, A CHORD BEARING OF NORTH 74 DEGREES 29 MINUTES 34 SECONDS EAST, AND A CHORD LENGTH OF 293.13 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 331.22 FEET, DELTA ANGLE OF 94 DEGREES 53 MINUTES 20 SECONDS, A CHORD BEARING OF NORTH 21 DEGREES 02 MINUTES 21 SECONDS EAST, AND A CHORD LENGTH OF 294.65 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 506.47 FEET, ARC LENGTH OF 228.36 FEET, DELTA ANGLE OF 25 DEGREES 50 MINUTES 01 SECONDS, A CHORD BEARING OF NORTH 39 DEGREES 19 MINUTES 19 SECONDS WEST, AND A CHORD LENGTH OF 226.43 FEET TO A POINT, THENCE NORTH 37 DEGREES 45 MINUTES 41 SECONDS EAST, A DISTANCE OF 301.11 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER

CLOCKWISE DIRECTION, HAVING A RADIUS OF 175.00 FEET, ARC LENGTH OF 115.05 FEET, DELTA ANGLE OF 37 DEGREES 40 MINUTES 04 SECONDS, A CHORD BEARING OF NORTH 18 DEGREES 55 MINUTES 39 SECONDS EAST, AND A CHORD LENGTH OF 122.99 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 05 MINUTES 36 SECONDS EAST, A DISTANCE OF 317.52 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 31 I.T., THENCE NORTH 00 DEGREES 24 MINUTES 44 SECONDS EAST, A DISTANCE OF 136.14 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF OUTLOT "G" PINE LAKE HEIGHTS 11TH ADDITION, THENCE NORTH 81 DEGREES 46 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 152.57 FEET TO A POINT, THENCE NORTH 86 DEGREES 05 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 68.43 FEET TO A POINT, THENCE SOUTH 89 DEGREES 35 MINUTES 17 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 220.00 FEET TO A POINT, THENCE SOUTH 79 DEGREES 04 MINUTES 53 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 62.04 FEET TO A POINT, THENCE SOUTH 89 DEGREES 35 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "G", A DISTANCE OF 281.09 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "G", THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID OUTLOT "G", A DISTANCE OF 32.15 FEET TO A POINT, THENCE SOUTH 00 DEGREES 46 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "G", A DISTANCE OF 120.07 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "G", SAID POINT BEING THE NORTHEAST CORNER OF LOT 31 I.T., THENCE SOUTH 00 DEGREES 45 MINUTES 54 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 652.71 FEET TO A POINT, THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST, A DISTANCE OF 311.29 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 750.00 FEET, ARC LENGTH OF 338.73 FEET, DELTA ANGLE OF 25 DEGREES 52 MINUTES 36 SECONDS, A CHORD BEARING OF SOUTH 77 DEGREES 09 MINUTES 18 SECONDS WEST, AND A CHORD LENGTH OF 335.85 FEET TO A POINT OF TANGENCY, THENCE SOUTH 64 DEGREES 13 MINUTES 00 SECONDS WEST, A DISTANCE OF 104.81 FEET TO A POINT, THENCE SOUTH 15 DEGREES 47 MINUTES 00 SECONDS EAST, A DISTANCE OF 309.02 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 185.24 FEET, DELTA ANGLE OF 17 DEGREES 41 MINUTES 20 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 56 MINUTES 20 SECONDS EAST, AND A CHORD LENGTH OF 184.50 FEET TO A POINT OF TANGENCY, THENCE SOUTH 01 DEGREES 54 MINUTES 20 SECONDS WEST, A DISTANCE OF 501.85 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,144,075.44 SQUARE FEET OR 26.26 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "R-4" TO "R-3"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 32 I.T., A PORTION OF LOT 27 I.T., AND A PORTION OF OUTLOT "A" PINE LAKE HEIGHTS SOUTH 3RD ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 88 DEGREES 45 MINUTES 30 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,051.06 FEET TO A POINT, THENCE NORTH 01 DEGREES 14 MINUTES 30 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 32 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 01 DEGREES 14 MINUTES 30 SECONDS WEST, A DISTANCE OF 785.00 FEET TO A POINT, THENCE NORTH 45 DEGREES 49 MINUTES 13 SECONDS WEST, A DISTANCE OF 499.85 FEET TO A POINT, THENCE NORTH 60 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 261.17 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 525.00 FEET, ARC LENGTH OF 663.12 FEET, DELTA ANGLE OF 72 DEGREES 22 MINUTES 10 SECONDS, A CHORD BEARING OF SOUTH 83 DEGREES 42 MINUTES 09 SECONDS EAST, AND A CHORD LENGTH OF 619.91 FEET TO A POINT OF TANGENCY, THENCE SOUTH 47 DEGREES 31 MINUTES 04 SECONDS EAST, A DISTANCE OF 584.82 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 575.00 FEET, ARC LENGTH OF 216.32 FEET, DELTA ANGLE OF 21 DEGREES 33 MINUTES 18 SECONDS, A CHORD BEARING OF SOUTH 58 DEGREES 17 MINUTES 44 SECONDS EAST, AND A CHORD LENGTH OF 215.05 FEET TO A POINT, THENCE SOUTH 20 DEGREES 55 MINUTES 37 SECONDS WEST, A DISTANCE OF 130.25 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 232.15 FEET, DELTA ANGLE OF 22 DEGREES 10 MINUTES 07 SECONDS, A CHORD BEARING OF SOUTH 09 DEGREES 50 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 230.70 FEET TO A POINT OF TANGENCY, THENCE SOUTH 01 DEGREES 14 MINUTES 30 SECONDS EAST, A DISTANCE OF 316.72 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 32 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 32 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,002.51 FEET TO

THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA
OF 1,227,711.20 SQUARE FEET OR 28.18 ACRES, MORE OR LESS.

NOVEMBER 27, 2001 (12:15PM)
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**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "B-2" TO "R-3"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 32 I.T., AND A PORTION OF OUTLOT "A" PINE LAKE HEIGHTS SOUTH 3RD ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHWEST CORNER OF SAID LOT 32 I.T., SAID POINT BEING 50.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, AND THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 02 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 32 I.T., AND THE WEST LINE OF SAID OUTLOT "A", SAID LINE BEING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 891.34 FEET TO A POINT, THENCE NORTH 89 DEGREES 57 MINUTES 52 SECONDS EAST, A DISTANCE OF 66.98 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 750.00 FEET, ARC LENGTH OF 390.76 FEET, DELTA ANGLE OF 29 DEGREES 51 MINUTES 06 SECONDS, A CHORD BEARING OF NORTH 75 DEGREES 02 MINUTES 19 SECONDS EAST, AND A CHORD LENGTH OF 386.35 FEET TO A POINT OF TANGENCY, THENCE NORTH 60 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 212.95 FEET TO A POINT, THENCE SOUTH 45 DEGREES 49 MINUTES 13 SECONDS EAST, A DISTANCE OF 499.85 FEET TO A POINT, THENCE SOUTH 01 DEGREES 14 MINUTES 30 SECONDS EAST, A DISTANCE OF 785.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 32 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 32 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 942.41 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 01 DEGREES 14 MINUTES 30 SECONDS WEST ALONG A WEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 10.00 FEET TO A SOUTH CORNER OF SAID LOT 32 I.T., THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 32 I.T., A DISTANCE OF 22.38 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 45 DEGREES 38 MINUTES 19 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 34.98 FEET TO A SOUTHWEST CORNER OF SAID LOT 32 I.T., THENCE NORTH 00 DEGREES 02 MINUTES 09 SECONDS WEST ALONG A WEST LINE OF SAID LOT 32 I.T., A DISTANCE OF 22.38 FEET TO A WEST CORNER OF SAID LOT 32 I.T., THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 32 I.T., A

DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, SAID TRACT
CONTAINS A CALCULATED AREA OF 979,386.63 SQUARE FEET OR 22.48
ACRES, MORE OR LESS.

NOVEMBER 27, 2001 (12:12PM)
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**LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "B-2" TO "R-3"**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 31 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 31 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 31 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 638.42 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST, A DISTANCE OF 501.85 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 185.24 FEET, DELTA ANGLE OF 17 DEGREES 41 MINUTES 20 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 56 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 184.50 FEET TO A POINT OF TANGENCY, THENCE NORTH 15 DEGREES 47 MINUTES 00 SECONDS WEST, A DISTANCE OF 309.02 FEET TO A POINT, THENCE NORTH 64 DEGREES 13 MINUTES 00 SECONDS EAST, A DISTANCE OF 104.81 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 750.00 FEET, ARC LENGTH OF 338.73 FEET, DELTA ANGLE OF 25 DEGREES 52 MINUTES 36 SECONDS, A CHORD BEARING OF NORTH 77 DEGREES 09 MINUTES 18 SECONDS EAST, AND A CHORD LENGTH OF 335.85 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89 DEGREES 54 MINUTES 24 SECONDS EAST, A DISTANCE OF 311.29 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 31 I.T., THENCE SOUTH 00 DEGREES 45 MINUTES 57 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 427.34 FEET TO A POINT, THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 499.63 FEET TO A POINT, THENCE SOUTH 03 DEGREES 00 MINUTES 43 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 196.41 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 721,664.99 SQUARE FEET OR 16.57 ACRES MORE OR LESS.

LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "B-2" TO "R-3"

3297

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 31 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE ON AN ASSUMED NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,367.72 FEET TO A POINT, THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS EAST, A DISTANCE OF 591.25 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 150.00 FEET, ARC LENGTH OF 253.66 FEET, DELTA ANGLE OF 96 DEGREES 53 MINUTES 32 SECONDS, A CHORD BEARING OF NORTH 49 DEGREES 38 MINUTES 42 SECONDS WEST, AND A CHORD LENGTH OF 224.50 FEET TO A POINT OF TANGENCY, THENCE NORTH 01 DEGREES 11 MINUTES 56 SECONDS WEST, A DISTANCE OF 40.97 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,200.00 FEET, ARC LENGTH OF 425.53 FEET, DELTA ANGLE OF 20 DEGREES 19 MINUTES 02 SECONDS, A CHORD BEARING OF NORTH 78 DEGREES 38 MINUTES 33 SECONDS EAST, AND A CHORD LENGTH OF 423.30 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 306.47 FEET, ARC LENGTH OF 329.97 FEET, DELTA ANGLE OF 61 DEGREES 41 MINUTES 22 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 15 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 314.26 FEET TO A POINT, THENCE NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST, A DISTANCE OF 597.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 750.00 FEET, ARC LENGTH OF 407.43 FEET, DELTA ANGLE OF 31 DEGREES 07 MINUTES 31 SECONDS, A CHORD BEARING OF SOUTH 76 DEGREES 20 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 402.44 FEET TO A POINT OF TANGENCY, THENCE SOUTH 60 DEGREES 46 MINUTES 49 SECONDS WEST, A DISTANCE OF 4.98 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 313.05 FEET, ARC LENGTH OF 319.60 FEET, DELTA ANGLE OF 58 DEGREES 29 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 58 DEGREES 50 MINUTES 50 SECONDS EAST, AND A CHORD LENGTH OF 305.90 FEET TO A POINT OF TANGENCY, THENCE SOUTH 88 DEGREES 05 MINUTES 40 SECONDS EAST, A DISTANCE OF 114.73 FEET TO A POINT, THENCE SOUTH 01 DEGREES 54 MINUTES 20 SECONDS WEST, A DISTANCE OF

48.28 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 150.00 FEET, ARC LENGTH OF 250.21 FEET, DELTA ANGLE OF 95 DEGREES 34 MINUTES 29 SECONDS, A CHORD BEARING OF SOUTH 49 DEGREES 41 MINUTES 34 SECONDS WEST, AND A CHORD LENGTH OF 222.20 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 513.05 FEET, ARC LENGTH OF 475.19 FEET, DELTA ANGLE OF 53 DEGREES 04 MINUTES 05 SECONDS, A CHORD BEARING OF NORTH 55 DEGREES 59 MINUTES 09 SECONDS WEST, AND A CHORD LENGTH OF 458.39 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 323.03 FEET, DELTA ANGLE OF 92 DEGREES 32 MINUTES 26 SECONDS, A CHORD BEARING OF NORTH 16 DEGREES 49 MINUTES 06 SECONDS EAST, AND A CHORD LENGTH OF 289.04 FEET TO A POINT OF TANGENCY, THENCE NORTH 63 DEGREES 05 MINUTES 19 SECONDS EAST, A DISTANCE OF 35.22 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 950.00 FEET, ARC LENGTH OF 477.80 FEET, DELTA ANGLE OF 28 DEGREES 49 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 77 DEGREES 29 MINUTES 49 SECONDS EAST, AND A CHORD LENGTH OF 472.78 FEET TO A POINT OF TANGENCY, THENCE SOUTH 88 DEGREES 05 MINUTES 40 SECONDS EAST, A DISTANCE OF 597.87 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 506.47 FEET, ARC LENGTH OF 316.95 FEET, DELTA ANGLE OF 35 DEGREES 51 MINUTES 21 SECONDS, A CHORD BEARING OF SOUTH 70 DEGREES 10 MINUTES 00 SECONDS EAST, AND A CHORD LENGTH OF 311.80 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 506.47 FEET, ARC LENGTH OF 228.36 FEET, DELTA ANGLE OF 25 DEGREES 50 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 39 DEGREES 19 MINUTES 19 SECONDS EAST, AND A CHORD LENGTH OF 226.43 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 331.22 FEET, DELTA ANGLE OF 94 DEGREES 53 MINUTES 20 SECONDS, A CHORD BEARING OF SOUTH 21 DEGREES 02 MINUTES 21 SECONDS WEST, AND A CHORD LENGTH OF 294.65 FEET TO A POINT OF COMPOUND CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1,400.00 FEET, ARC LENGTH OF 328.04 FEET, DELTA ANGLE OF 13 DEGREES 25 MINUTES 31 SECONDS, A CHORD BEARING OF SOUTH 75 DEGREES 11 MINUTES 47 SECONDS WEST, AND A CHORD LENGTH OF 327.29 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 553,916.57 SQUARE FEET OR 12.72 ACRES, MORE OR LESS.